

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**December 10, 2008**

The meeting was called to order at 4:02 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Phil Conder,  
and Jason Jones

**ABSENT:**

Mary Jayne Davis (participated via telephone for the first application)

**WEST VALLEY CITY PLANNING DIVISION STAFF**

John Janson, Shane Smith, Frank Lilly, Steve Pastorik, Steve Lehman,  
Ron Weibel, and Nichole Camac

**WEST VALLEY ADMINISTRATIVE STAFF:**

Nicole Cottle, Deputy City Attorney

**AUDIENCE**

Approximately 8 (eight) people were in the audience

## **GENERAL PLAN CHANGE APPLICATION:**

### **GP-5-2008**

#### **West Valley City**

#### **Comprehensive General Plan Update**

City staff is requesting a comprehensive General Plan update to the City's General Plan. The last comprehensive update was approved in 2000. Since that time, many changes have occurred in the City that necessitated another comprehensive update. Here's a brief look at some of the significant changes that have happened since 2000:

- Population has grown by approximately 16,000.
- About 4,500 new housing units have been constructed.
- The State selected the preferred alignment for the Mountain View Corridor and began to purchase right-of-way for the facility.
- The alignment for the West Valley light rail line was approved and construction began earlier this year.
- To create a downtown for the City, the City Center Vision Plan and City Center Zone were adopted and the City began purchasing property within City Center.
- The Valley Fair Mall renovation began in 2007.

The General Plan is a comprehensive and advisory document that provides a broad overview of the City's path into the future regarding housing, employment, recreation, transportation, and land use decisions. The Plan in and of itself does not provide specific regulations, directives, or incentives. The City uses many other tools such as specific area or issue plans, zoning and other parts of the City Code, City Council resolutions, and capital improvement projects to apply the principles contained in the General Plan.

The development of the proposed General Plan included outreach to the general public, other City departments, affected entities such as UDOT and UTA, and City residents. Throughout the process, City staff held 56 public meetings, including task force meetings, Planning Commission and City Council study sessions and public meetings, and meetings held for the public in West Valley City's opportunity corridors.

A copy of the proposed General Plan document was delivered to all Planning Commissioners.

#### **Staff Alternatives:**

1. Approval of the General Plan update as submitted.
2. Approval of the General Plan update subject to revisions as determined in the public hearing.
3. Continuance, for reasons determined at the public hearing.

**Discussion:** Frank Lilly presented the application. Phil Conder began by thanking staff for working so diligently on this project. He stated that is okay with how the document is but wishes to acknowledge that everyone on the Planning Commission likely has issues with some portion of it and though the document isn't perfect, it seems to have a good direction.

Jason Jones stated that something should be added into the document that encourages businesses to come to West Valley City. He indicated that the City should have a goal to encourage the retention of current businesses and added that streamlining is an important tool for the City. Commissioner Jones suggested that something should be added to the General Plan that allows businesses to relocate and streamline without jeopardizing the values of the community. Frank agreed and stated that he would add an action item to the section that pertains to that underneath the goal. Phil Conder approved that streamlining is beneficial.

Commissioner Jones expressed concern regarding the section of the General Plan that encourages multiple language service material. He indicated that it is certainly important to provide this information but he feels that a better idea would be to encourage communication via ESL/English classes. He stated that materials would need to be continually provided in many different languages if education isn't properly supported. Commissioner Jones explained that he is content with what is already in the General Plan regarding providing the materials but he feels a separate action item that encourages English education is a worthy goal for the City. Frank explained that this portion of the General Plan derived from the neighborhood task force. He explained while it is not in the best interest of West Valley City to print documentation in many languages, there are many issues with communication between different languages. He provided the example of a code enforcement officer trying to communicate rapidly with someone who doesn't have enough time to take an English education course. Harold Woodruff suggested the inclusion of an action item that encourages people to support community efforts to encourage English as a secondary language. Commissioner Conder agreed but added that it's important to clarify that the General Plan doesn't indicate the City will be providing this service. Mary Jayne Davis suggested adding a couple of sentences at the bottom of important documents in Spanish, the second most often used language, that explains there are translation services available. She indicated that this will save paper, energy, and time.

Jason Jones stated that the General Plan discusses the West Valley City Family Fitness Center. He stated that he has a membership and appreciates the facility in the community but feels that it is not the role of the government to provide competition to other gyms. He indicated that private developments should be encouraged. John Janson replied that since the City is geographically large, providing something similar to the fitness center to other residents in different parts of the community is a prospect. Staff felt that these facilities provide a good service to the City. Jack Matheson agreed with John and added that other communities utilize the state of the art fitness center of West Valley City.

Commissioner Jones stated that he feels it's the role of private industry rather than government to provide this type of establishment. Commissioner Mills stated that the wording isn't strongly indicated either way and that she is comfortable leaving this portion of the document as is. Commissioner Jones agreed this would be fine with him.

Jason Jones commented that his last concern regards sustainability. He feels that encouraging a small footprint by decreasing waste and encouraging technology and efficient use of energy contradict one another. He indicated that he likes the idea of using technology to advance the standard of living rather than reduce the standard of living and added that there are ways to compromise in both areas. Frank replied that is addressed in the General Plan in a sense but agreed to tie in further language to illustrate the point of it.

Terri Mills stated that the General Plan document is thorough and large. She expressed concern that larger documents leave greater room for error or lead people into believing that it's set in stone. She indicated her desire that the City Council see this as an advisory document and her hope that people won't submit applications that comply with the General Plan that force the Planning Commission to approve. Commissioner Mills stated that things change and this document may not be applicable in the future. She explained that she feels bicycle trails and walking paths are lacking in the General Plan and she feels there needs to be other reasons for residents to live in West Valley City other than the high density goals. Commissioner Matheson asked staff to consider revising the General Plan as soon as data from the 2010 Census is available.

Brent Fuller agreed with Commissioner Mills and questioned whether the authority of the document is going to be seen as concrete. Frank stated that the General Plan does specify that it is an advisory document and added that the State Code referenced in the Plan elaborates this point. He indicated that the document doesn't tie the Planning Commission down and their only obligation is to consider the General Plan in their land use decisions and apply for rejection or acceptance as they see fit. Nicole Cottle explained that State law requires this document and the Planning Commission has great authority of the legislative activity that is the majority of the General plan. She reassured the Planning Commission that as a legal counsel, she believes that this document is strictly advisory and she can provide a lot of legal assistance to any applications that the Planning Commission object to, although they may be consistent with General Plan goals.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Conder moved for approval subject to the changes discussed in the hearing.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous - GP-5-2008– Approved**

**ZONE CHANGE APPLICATION:**

**Z-9-2008**

**Colin Wright**

**5300 South 5600 West**

**M to R-1-4 and MXD**

**16.1 acres**

Colin Wright with Blackridge Development is requesting a zone change for 16.1 acres of a 16.4 acre parcel at approximately 5300 South 5600 West from M (manufacturing) to R-1-4 (residential, single family, minimum lot size 4,000 square feet) and MXD (mixed use). Surrounding zones include R-1-7 to the west and north, R-1-6 to the east in Salt Lake County, and C-2 to the south. Surrounding land uses include single family homes or lots planned for single family homes to the north and west, single family homes to the east, and a convenience store and vacant land to the south. The subject property is designated as medium density residential, general commercial, or mixed use in the West Valley City General Plan. The southeast portion of the property is developed as a Maverik convenience store; hence, this portion of the property was left out of the rezone application.

Up until 4 years ago, all of the property within the City that is east of the West Ridge Golf Course was zoned M. In 2004, the City changed the zoning on the City owned property to the southeast of the golf course from M to R-1-7. This land was then sold to Ivory Homes which Ivory then developed as the Westridge Estates Subdivision.

Attached to this report is a letter from Colin Wright which outlines the reasoning for this application. Also included with Mr. Wright's letter is a memo from UTA which describes the transit upgrade planned along 5600 West.

As described in the memo from UTA, UTA and UDOT have committed to building bus rapid transit (BRT) in dedicated lanes in the center of 5600 West between 6200 South and 2700 South by 2015. Stations for this BRT are planned every mile with a station planned at the intersection of 5600 West and 5400 South. The Wasatch Front Regional Council's regional transportation plan includes BRT along 5400 South by 2030. The

subject property is currently serviced by bus route 54, which runs along 5400 South and connects with the 5300 South TRAX station, and by bus route 356, a fast bus with limited stops and park & ride lots that runs along 5600 West and goes to downtown Salt Lake.

#### Development Plan

A copy of the development plan is attached. The concept includes five different types of uses. The R-1-4 portion of the project is designed very similar to the parkside home concept Ivory Homes is proposing in Highbury and has built in Daybreak. Building Types A and B are three story senior apartments with Building A having one space for an office or retail tenant on the ground floor. An elevation for Building Type A is attached. There are three Building Type C buildings which are three story, 24 unit apartments. An elevation for Building Type C is attached. Commercial Parcel 1 is reserved for retail or office space. Commercial Parcel 2 is reserved for office space. The proposed mix of uses within the MXD Zone meets the requirement that states: "No one category of uses (including residential) may occupy more than 75 percent of the total floor area." Also attached to this report is an illustration of the proposed entrance features.

#### Project Evaluation

The MXD Zone is unique in that it requires a significant amount of project information before a property can be zoned MXD. In Section 7-6-1502 of the Zoning Ordinance is a list of project evaluation criteria. The Section states: "All development proposals for the MXD Zone shall be evaluated based on their compatibility with:

- The West Valley City General Plan
- The purpose and characteristics of the MXD Zone
- Sound planning practices
- Surrounding land-uses
- All other City-approved studies"

The stated purpose of the MXD Zone is to: "facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community that offers 'live, work, and play' opportunities within convenient walking distance of each other." The ordinance also states: "Developments within an MXD Zone shall exhibit urban characteristics such as:

- Minimal building setbacks
- Large parkstrips and sidewalks
- Community gathering spaces
- Shared parking
- Integrated public transit
- Diverse and distinctive design features"

Once a property is zoned MXD, the uses outlined in the development plan are reviewed as a permitted use unless otherwise stated in a development agreement.

#### Applicable Ordinances

Given the blend of uses proposed and the location of the project, several ordinances apply

to this property. These ordinances include transfer of development rights (TDR) for the residential portion of the project, planned unit development (PUD) for the single family detached portion, commercial design standards for the office and retail portion, multi-family design standards for the two types of apartments, single family design standards for the single family detached portion, overpressure zones for the entire project, MXD Zone standards for everything except the single family portion, and standards for landscaping along high-image arterial streets along 5600 West and 5400 South.

#### Development Agreement

When blending several uses into one project, attention to detail is important. Staff has been working with the applicant to develop a detailed development agreement. A rough draft of this agreement, entitled “Exhibit B – The Villages at Westridges”, is attached. Several issues in the agreement have not been resolved at this point. These items are highlighted. Since the draft development agreement is not complete, staff recommends that this application be continued.

#### **Staff Alternatives:**

- Continuance to allow staff time to work with the applicant to address unresolved issues in the development agreement.
- Continuance to allow staff time to work with the applicant to address unresolved issues in the development agreement as well as concerns from the Planning Commission.

#### **Applicant:**

Colin Wright  
500 North Market Place Dr.  
Centerville, UT 84014

**Discussion:** Steve Pastorik presented the application. Jack Matheson commented that there will only be a right in, right out as people exit the property due to the proposed BRT system. He questioned whether there would be any left turn movements at all. Steve replied that without a light on 5600 West there wouldn't be. He added that there most likely won't be a light added due to the distance of the next light at 5400 South 5600 West. Harold Woodruff asked what the code says regarding percentage requirements of different uses in a mixed use zone. Steve explained that the ordinance will not allow more than 75% of a single use for a particular area. The applicant has taken this literally and has calculated to meet the exact standards. There will be 25% of the property used for office/retail and the other 75% will be residential.

Phil Conder questioned if there is something in the ordinance that requires the applicant to construct everything at the same time. Steve replied that there is nothing in the ordinance that requires this but the goal can be achieved by including something to this effect in the development agreement. Commissioner Matheson stated that commercial parcel number one may be reduced in size as UTA develops BRT and questioned if there was any way to hold that parcel off in

the development process. Steve agreed and explained that the commercial parcel is more generic and that was done intentionally due to this particular issue. Terri Mills commented that she hopes these speculations take everything into consideration to ensure that parking doesn't fall short and a retail strip isn't created that is not up to standard. Harold Woodruff asked if the people living in the 3 story apartment will have access to the park and clubhouse. Steve stated that senior buildings are required to have their own facilities so they wouldn't have access to the clubhouse. Chairman Woodruff indicated that his concern is that the senior housing will get built but nothing else will be developed for a long time. Brent Fuller questioned what would happen to this project if the R-1-4 portion was zoned mixed use. Steve replied that introducing more single family residential would be too much residential for a mixed use project. He added that one concern was a good transition between the residential neighborhoods to the north and west. Commissioner Fuller responded that this could be achieved with less density.

Colin Wright, the applicant, explained that he met with Wayne Pyle and came up with the best use for this area. His company developed a plan that City staff didn't like and modifications were made to lead to this new plan being presented. He explained that the market is tough right now but the project should be appealing with its attractive architecture and the long term transit goals for the area. Commissioner Matheson stated that one of his biggest concerns involves the lack of a street pattern throughout the development. He explained that the street that was intended to extend to 5400 south is being closed and he feels this is a mistake to lose that connectivity. Mr. Wright stated that he wouldn't mind a road but his company anticipated that the neighbors to this property wouldn't approve of a road connecting the two different neighborhoods. Commissioner Matheson stated that the parkside homes are large but are on a small lot. He feels this is a good transition but doesn't like the 3 story apartments next to the single family neighbors. Commissioner Matheson explained that when he thinks of senior housing, he finds a project like Hunter Villas with individual units as more appropriate and appealing. He indicated that the apartments look like a low income development and he doesn't like the parking ratio or the non-covered parking. Commissioner Matheson suggested that R-1-7 is a good zone that is present on the other corners in the area and he isn't concerned with increasing the density for TOD. He indicated that he likes parkside homes that front onto a parkway but the parkways proposed are too narrow.

Phil Conder stated that he sees a lot of living opportunities on this property but not a lot of opportunity for work and play. He expressed concern that the higher density facilities will be constructed but the retail won't follow through for whatever reason. He indicated that this doesn't feel like a good plan for a mixed use zone. Mr. Wright explained that stacked uses work at this location because of the proposed transit. Brent Fuller suggested consolidating 2 retail spaces for more flexibility off of 5600 west. Mr. Wright stated that the buildings will be at a lower elevation because of the grade change.



Phil Conder stated that this seems like a fairly high density residential project and added that he does have a problem with the parkside home portion of it. He explained that these types of homes work well at Daybreak but he isn't sure if they will be successful at a location like this. He indicated that he has a problem with addressing this project as mixed use and feels that everything feels too packed in. Jack Matheson stated that he isn't sure about the concept of the senior apartments. He feels like older people will likely want to get away from a place with stairs and would prefer an individual unit where everything is taken care of for them. He indicated that he is okay with some of the parkside homes but doesn't like where they face each other. Jason Jones questioned whether Jack would like to see a public or private street that leads to 5400 west. Commissioner Matheson replied that a public street would be fine. Steve pointed out that the alleys throughout the development would be private. Brent Fuller stated that people aren't going to want to make a u-turn all the time because of the way the streets are worked out throughout the project. Jason Jones agreed and concluded that if retail and commercial uses don't work at this location, a mixed use development shouldn't be built just for transit purposes.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Fuller moved for continuance to allow staff time to finalize the development agreement with the applicant and to allow the applicant time to consider ideas and concerns presented by the Planning Commission during the public hearing.

Commissioner Jones seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Majority - Z-9-2008– Continued**

**ZONE TEXT CHANGE APPLICATION:**

**ZT-16-2008**

**West Valley City**

**Ordinance Title and Text:**

Use of Motorized Outdoor Recreation Equipment in West Valley City (proposed new 7-2-131)

No motorized outdoor recreation equipment, excluding watercraft, shall be operated recreationally within West Valley City, except in areas designated or otherwise approved by the City. Any West Valley City or other governmental body while conducting official business shall be exempt from this ordinance. The temporary operation of any motorized outdoor recreation equipment for the purpose of lot maintenance, agriculture or transfer to trailer shall also be exempt.

**Issues:**

West Valley City is proposing a new Supplementary and Qualifying Regulation (7-2) to Title 7 of the Land Use Development and Management Act to regulate the recreational use of motorized outdoor recreation equipment within the City. The recreational use on public or private property of ATV's in particular can be problematic in that noise and dust may impede the quiet use and enjoyment of nearby property. Recreational uses pose greater nuisance potential as a result of generally higher sustained speeds and generally greater intensity and duration of use, resulting in more noise for longer durations. This proposal arises out of complaints from West Valley City residents. This ordinance is not intended to address the use of ATV's or other equipment on public streets where they would be covered by Traffic Code.

This proposed ordinance will restrict the use of all "motorized outdoor recreation equipment" (except watercraft), defined in the West Valley City Municipal Code as:

*Motorized equipment, or equipment commonly using a motor, used in off road/recreational activities. This includes but is not limited to: boat, snowmobile, race car, dune buggy, ATV, water craft, off road motorcycle, etc. [WVC, 7-1-103, (125)]*

This ordinance is meant to provide a simple and relatively easy solution to the issue. The approach is broad in application in that it is not limited to certain areas or zones, but rather focuses on the type of use, specifically recreational use. This might allow for some ambiguity on the ground by providing exceptions for temporary lot maintenance and agricultural uses, though many have expressed the importance of maintaining these legitimate temporary uses.

**Staff Alternatives:**

1. **Approval**, to affirm this proposed text change as written.
2. **Continuance**, to complete further research or to make changes as suggested in the public hearing.
3. **Denial**, for reasons determined through the public hearing.

**Discussion:** Shane Smith presented the application. Jack Matheson questioned why an off-road vehicle can't be used in the City, especially street legal motorbikes. Shane replied that this ordinance wouldn't address streets and a street legal motorbike, if properly licensed, would still be permitted. He explained that the proposed ordinance would address the use of recreational motorized vehicles on private property and would

be the simplest method of addressing dust, sound, and other various problems that derive from their use. Jason Jones questioned how big of a problem this actually is. Shane replied that he wasn't sure of particular problem areas in the city but there are consistent complaints that go back several years and has been a major concern for at least one resident. Commissioner Jones replied that he felt this ordinance would be an overregulation. He explained that he had a go-cart as a child and in a City of an estimated 200,000 people, one person's complaint should be addressed some other way. Shane explained that this is a very broad issue but an ordinance would provide the City the ability to acknowledge the proper use of motorized recreational equipment. He indicated that the nuisance code calls for detail that may be difficult to document. Jack Matheson commented that all of this seems very difficult to enforce. Phil Conder agreed and added that the term "recreational" is ambiguous. Commissioner Jones questioned if a code enforcement officer is the one that has to record a nuisance complaint. Nicole Cottle replied that a claim could be based on a police report with evidence but officer documentation is very important.

Commissioner Jones stated that after weighing the restrictions this new ordinance would call for, he doesn't see any benefit. Shane indicated that this proposal won't make anything more difficult and is simply an additional tool to enhance enforcement on the issue. Harold Woodruff commented that it would be easy to tell if the vehicle was being used for recreational purposes but there are also easy ways around the problem. Commissioner Conder questioned if there is a way to structure the ordinance to state that a motorized vehicle can be used unless it becomes a nuisance. Shane replied that it could be possible but that might seem irrelevant since no one will complain if it isn't a problem. Commissioner Conder questioned whether a nuisance could be better defined rather than creating an entire ordinance to address this problem. Nicole replied that the nuisance law is formulated from common law and is not in the City's jurisdiction to change. She explained that from a legal and enforcement standpoint, making this a nuisance is impossible.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Matheson moved for denial of the proposal stating that the current ordinance takes care of all necessary concerns.

Commissioner Jones seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	No

**Majority - ZT-16-2008– Denied**

**SUBDIVISION APPLICATION:**

**S-35-2008**

**Rosa Estates Subdivision**

**3628 South 3200 West**

**R-1-8 Zone**

**3 Lots**

**BACKGROUND**

Mr. Jose Martinez , is requesting preliminary and final plat approval for a 3-lot subdivision in the R-1-8 Zone. The subdivision is bordered on the north, south and west by existing residential development. An existing dwelling located on lot 1 will remain as originally constructed. The purpose for the subdivision is to create two additional lots to the south.

**STAFF/AGENCY CONCERNS:**

**Fire Department:**

A Fire hydrant will need to be located within 250 feet of the back dwelling.

No turnaround will be needed.

**Granger Hunter Improvement District:**

Project will need to run availability for water, sewer and fire protection.

Subject to design and review inspections.

**Utility Agencies:**

Subject to all standard easement locations.

**Public Works:**

Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

Revisions to plat are required.

Developer will need to replace or repair any damage to existing improvements along 3200 West.

Will need to coordinate new drive approach with City Engineering Division.

Recommend that the driveway serve all three lots.

Will need to submit a soils report.

Building Inspections:

Will need to evaluate soils report prior to plat recordation.

**ISSUES:**

- The developer is requesting preliminary and final plat approval for the Rosa Estates Subdivision. The subdivision will consist of 3 lots on .93 acres. Lots range in size from 8,435 to 13,200 square feet. An existing dwelling located on lot 1 will remain as part of this development.
- The subdivision is being proposed with a flag lot to serve lot 2. All lots meet the area and frontage requirements of the R-1-8 zone including the flag lot provisions. Although lots 1 and 3 have direct access to 3200 West, staff is recommending that all lots utilize the driveway to eliminate the possibility of traffic conflicts.
- Access to the subdivision will be gained from 3200 West. Curb, gutter and sidewalk presently exist along this street. The developer will need to coordinate the new drive approach and utility connections with Public Works and other agencies. If existing improvements are damaged, or are in need of repair, the developer and/or builder will need to coordinate this during the building permit process.
- As with all new subdivision development, there is a concern with the potential of ground water impacts. The applicant will need to submit a soils report. If the applicant chooses, he may coordinate the basement depth with the City Building Official. This is periodically done for small developments and involves a field inspection by the Building Division. In either case, this will need to be addressed prior to City Council review.
- Staff did receive one e-mail regarding the proposed subdivision. The letter is in support of the subdivision or property, but would like the property cleaned up. Staff will communicate this with the applicant and will coordinate with the Community Preservation Department.

**STAFF ALTERNATIVES:**

1. Approval of the Rosa Estates Subdivision subject to a resolution of staff and agency concerns.
2. Continuation to address issues raised during the public hearing.

**Applicant (representing):**

Miguel Martinez  
3826 S. 3200 W.  
West Valley City, UT 84119

**Discussion:** Steve Lehman presented the application. Terri Mills commented that lot 3 doesn't face 3200 West and suggested that orienting the lot differently could be more desirable for the homeowner by providing more privacy in the backyard. Steve replied that the dashed lines on the plat represent the building envelope for a new home. He explained that the lot is fairly shallow and it would be difficult to front 3200 West with both the front and rear setbacks. He added that all three lots will likely get access from the same driveway. Miguel Martinez, representing the applicant, explained that he hasn't decided on any home designs, floor plans, or various possible orientations. He stated that fronting the home onto 3200 West wouldn't be a problem if all requirements would allow it. Jason Jones questioned if it is the applicants intention to have all three homes accessed from the same driveway. Mr. Martinez replied yes and added that all improvements will be taken care of once the subdivision application is approved.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Mills moved for approval subject to the resolution of staff and agency concerns.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous - S-35-2008– Approved**

**CONDITIONAL USE APPLICATIONS:**

**C-58-2008**

**Edmundo Garcia**  
**1809 West 3500 South**  
**C-2 Zone (1 acre)**

Edmundo Garcia is requesting a conditional use permit for an auto body repair shop for property at 1809 West 3500 South. The property is zoned C-2 (general commercial) and

the General Plan anticipates general commercial. Surrounding zoning includes C-2 to the north, south, west and a portion of the east and A for the remaining east portion. The surrounding uses include commercial on all sides except along the southeast where there are single family homes.

According to the property owners, Mr. Garcia would lease 2,900 sq. ft. of the total 7,200 sq.ft. of the existing building (which was formerly a Napa Auto Parts). The 2,900 sq. ft. is in the back or south end of the building. The business would involve auto frame work, body work, and painting of vehicles. There are two service bays on the south side of the building that would be used for the business. The business would be open Monday through Saturday from 8:30 AM to 6:30 PM. All chemicals would be disposed through a company that will come and pick them up to be recycled.

On November 26<sup>th</sup>, staff conducted a field trip to the site and noticed several maintenance and parking related issues. The building paint job was not consistent or uniform. The landscaped areas were in poor condition. Some of the striped parking was not designed according to City requirements. Some of the parking to the rear of the building was not striped. An unutilized pole sign has yet to be removed. At least one pothole existed in the parking lot. There was some garbage/junk on the site. There was not a consistent masonry wall between the homes to the southeast and the parking area. Also, some of the vegetation on the undeveloped south portion of the property was overgrown.

From the field trip staff also noticed that a church is leasing the front portion of the building. While churches are allowed as a permitted use, they are still required to meet parking and sign requirements. We need more information on the church to determine parking needs. There was a banner on the front of the building being used for the church.

To address the issues listed above, staff recommends the following actions be taken by the applicant. Ordinance references are provided in parenthesis where applicable. Items in italics could be done sometime before June 1, 2009 due to weather constraints. All other items should be done prior to the issuance of a business license, which must be obtained before the business can open.

1. *Paint the sides and rear of the building to match the colors used on the front of the building*
2. Provide a plan to staff showing how the landscaping will be improved (7-6-1008).
3. *Improve the landscaped areas according to the landscape plan approved by staff under item 2 above*
4. Provide an updated site plan to staff that shows how the parking layout will meet City standards (7-9-110)
5. Make the needed parking lot striping changes according to the site plan approved by staff under item 4 above
6. Remove the pole sign (11-7-104)
7. *Patch any potholes on the site (7-9-102)*
8. Remove all garbage/junk from the site (24-2-111)

9. *Provide a 6' masonry wall along the east side of the property between the parking area to the south of the building and the residential area to the east. (7-6-1007)*
10. Cut the weeds in the undeveloped south portion of the property so that they are no higher than 6 inches (24-8-106)
11. Address the church parking needs with staff
12. Replace the banner on the front of the building with a permanent wall sign that is approved by the City (11-5-102).
13. If additional parking is needed in the future, appropriate plans must be submitted to the City and approved prior to any construction.

### **Staff Alternatives**

1. Approval, subject to the 13 conditions recommended by staff.
2. Approval, subject to the 13 conditions recommended by staff plus additional requirements as determined by the Planning Commission during the Public Hearing.
3. Continuance, for reasons determined during the public hearing.

#### **Applicant (representing):**

Jose Sarato  
1801 W. 3500 S.

**Discussion:** Steve Pastorik presented the application. Brent Fuller asked the applicant if he was aware of the 13 items that were subject to approval. Jose Sarato replied that he is and everything will be fixed as mentioned.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Fuller moved for approval subject to the 13 staff conditions.

Commissioner Jones seconded the motion.

#### **Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous - C-58-2008– Approved**



**C-59-2008**  
**AT&T Wireless**  
**4200 South 5600 West**  
**A Zone 6.8 Acres**

This is an application for co-location of cellular antennas on a light standard for the football field at Hunter High School. The zoning for the property is agriculture (A) and the West Valley City General Plan designates low density residential land uses in this area. A school is allowed as a permitted use in an A zone. The total school property is slightly over 38 acres, and the parcel this use will be located on is 6.8 acres. A new monopole or co-location on an existing tower is a conditional use in an A zone.

The existing light tower for the football field will have to be replaced with a tower of sufficient size to be able to accommodate the addition of the antennas. The lights will be placed on the new tower at the top of the pole. The new pole will be extended to a height of 71', the same height as the existing light pole. The cellular antennas will be located at 61' (antenna centerline) on the pole.

The football field is on the west side of the main school building, and the proposed tower will replace the south light tower on the west side of the field. There is an existing tower on the east side of the field that was previously converted for the same use for another carrier, and an additional tower on the east side that was approved but not yet converted. The tower would be approximately 1000 feet west of 5600 West, 550 feet south of 4100 South, over 600 feet from the residential subdivision to the west and 1,000 feet north of the residential subdivision to the south. All of these distances were taken using the measuring tool on the computer base map and are approximate. There will be an equipment shelter built on the landscaping behind the bleachers that will be constructed with a brick veneer similar to that used on the main school building.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
  1. All antennas on the pole shall be flush mounted and no part of the antenna shall be further than twelve (12) inches from the tower.
  2. The brick used for the equipment building shall be similar to that used on the main school building.
  3. The maximum diameter of the pole shall be twenty-four (24) inches and the height shall be no greater than the existing light tower.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**  
Cindy Hanks  
968 W. LaVoy Drive

SLC, UT

**Discussion:** Ron Weibel presented the application. The Planning Commission had no further comments or questions.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Jones moved for approval subject to the 3 staff conditions.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – C-59-2008– Approved**

**PLANNING COMMISSION BUSINESS**

Approval of minutes from October 1, 2008 (Study Session) **Approved**  
Approval of minutes from October 8, 2008 (Regular Meeting) **Approved**  
Approval of minutes from October 15, 2008 (Study Session) **Approved**  
Approval of minutes from October 22, 2008 (Regular Meeting) **Approved**  
Approval of minutes from November 5, 2008 (Study Session) **Approved**  
Approval of minutes from November 12, 2008 (Regular Meeting) **Approved**  
Approval of minutes from December 3, 2008 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:58 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant